

## **REMARKS**

**[0002]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-16, 20-52, 58, and 59 are presently pending. Claims amended herein are: 1, 9, 16, 29, 37, 41, and 46. Claims withdrawn or cancelled herein are: 17-19 and 53-57. New claims added herein are: 58 and 59.

### **Statement of Substance of Interview**

**[0003]** The Examiner graciously talked with me—the undersigned representative for the Applicant—on March 5, 2008. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0004]** During the interview, we discussed how the claims differed from the cited art, namely Cooper and Peled. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

**[0005]** The Examiner was receptive to the proposals, and I understood the Examiner to tentatively indicate that the proposed clarifying claim amendments would appear to distinguish over the cited references of record. For example, the Examiner indicated that clarification regarding content of interest having undergone conversion between digital and analog would appear to distinguish claim 1 over the cited references. However, the Examiner indicated that he would need to review the cited references and do another search, upon the filing of a formal response.

**[0006]** Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

**Formal Request for an Interview**

**[0007]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0008]** Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call as well. My contact information may be found on the last page of this response.

**Claim Amendments and Additions**

**[0009]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 9, 16, 29, 37, 41, and 46 herein. Applicant amends the claims to clarify claimed features in accordance with the discussion with the examiner. Such amendments are made to expedite prosecution and quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claims in response to cited references.

**[0010]** Furthermore, Applicant adds new claims 58 and 59 herein, which are directed towards content having undergone conversion between digital and analog.

These new claims are fully supported by Application and therefore do not constitute new matter. In addition, none of the cited references teach a technology capable of detecting pirated content when the content of interest has undergone conversion between digital and analog.

## **Formal Matters**

### **Claims**

**[0011]** The Examiner objects to claim 46. Herein, Applicant amends the claim, as shown above, to correct the informalities noted by the Examiner.

## **Substantive Matters**

### **Claim Rejections under § 103**

**[0012]** Claims 1-17 and 20-52 are rejected under 35 U.S.C. §103. In light of the amendments presented herein and the discussion during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

**[0013]** The Examiner's rejections are based upon the following references in combination:

- **Cooper:** *Cooper, et al.*, US Pub. No. 2001/0051996 (pub. Dec. 13, 2001);
- **Peled:** *Peled, et al.*, US Pub. No. 2002/0129140 (pub. Sep. 12, 2002); and
- **Barber:** *Barber et al.*, US Patent No. 5,390,297 (iss. Feb. 14, 1995).

## **Overview of the Application**

**[0014]** The Application describes a technology for detecting pirated content by storing a list of highly compressed content pieces that correspond to different pieces of content (e.g., audio content, video content, audio/video content, etc.). The list of highly compressed content pieces stored at a content player can be static, or alternatively change over time. A piece of content to be played back by the content player is compared to the highly compressed content pieces stored at the content player. If the piece of content to be played back matches one of the highly compressed content pieces, then appropriate responsive action is taken. This responsive action can vary, and can include, for example, checking for a valid license, giving the user the option to notify the publisher if he or she has unknowingly acquired a pirated copy of the content, etc.

## **Cited References**

**[0015]** The Examiner cites Cooper as the primary reference in the anticipation- and/or obviousness-based rejections. The Examiner cites Peled and Barber as secondary references in the obviousness-based rejections.

### **Cooper**

**[0016]** Cooper describes a technology for transferring electronic media information over a public network in such a way as to provide safeguards for inappropriate distribution of copyright or otherwise protected materials are described. The media information is transparently watermarked with a unique ID, such as one generated from X.509 Digital Certificate and public-key cryptography public/private key

pairs, such that the information can be identified as belonging to a particular individual. A system and method for monitoring the movement of such watermarked files, positively identifying people who have inappropriately distributed copyright materials over a public network without permission, and taking appropriate enforcement action against such people.

Peled

**[0017]** Peled describes a technology for network content monitoring and control, comprising: a transport data monitor, connectable to a point in a network, for monitoring data being transported past said point, a signature extractor, associated with said transport data monitor, for extracting a derivation of said data, said derivation being indicative of content of said payload, a database of preobtained signatures of content whose movements it is desired to monitor, and a comparator for comparing said derivation with said preobtained signatures, thereby to determine whether said payload comprises any of said content whose movements it is desired to monitor. The monitoring result may be used in bandwidth control on the network to restrict transport of the content it is desired to control.

Barber

**[0018]** Barber describes a technology for license management allowing licenses for a computer program to be available for use at each of a plurality of nodes of a network. If a valid license file at a local node contains an unexpired, available license, a license manager at the local node permits the computer program to be executed at the requesting

local node. If no such license is available in a valid license file at such local node, the license manager searches the other nodes for a valid license file containing an unexpired, available license. In one embodiment, if an unexpired available license is located in a valid license file at a second (or "remote") node, the license manager transfers such license to the local node, and assigns and encrypts a unique identification to such transferred license. The original record of the transferred license is modified by erasing it from the license file at the remote node so that the transferred license is no longer available there. In a second embodiment, the license manager modifies the license file to indicate use of the license at the local node without such transfer. The number of copies of the computer program that are authorized for execution simultaneously on the network is thus limited to the number of licenses that have been loaded into the license files on the network.

## **Obviousness Rejections**

### **Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

**[0019]** Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

### **Based upon Cooper and Peled**

**[0020]** The Examiner rejects claims 1-8, 29-36, 38-39, and 41-52 under 35 U.S.C. § 103(a) as being unpatentable over Cooper in view of Peled. Applicant respectfully

traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

**[0021]** The Examiner indicates (Action, pp. 3-5) the following with regard to this claim:

Regarding claim 1, Cooper disclosed a system comprising: a source database storing a plurality of highly compressed content pieces (See Cooper Fig. 2 Element 234 and Paragraph 0124); and a content player (See Cooper Fig. 2 Element 115 and Paragraph 0124), coupled to the source database (See Cooper Fig. 2), including, an interface to receive a subset of the plurality of highly compressed content pieces from the source database (See Cooper Fig. 2 and Paragraph 0124 wherein the examiner has interpreted the player checking the copyright registry as receiving the various digital certificates because the player is checking if the particular digital certificate of the content file is in the content registry), a storage device to store the subset, a comparator to compare the subset to content and determine whether the content matches any of

the plurality of highly compressed content pieces in the subset (See Cooper Paragraph 0124), a resolver to take particular action in response to the comparator indicating the content matches one of the plurality of highly compressed content pieces in the subset, the programmed action comprising notifying a publisher of the media content of the existence of pirated content (See Cooper Paragraph 0124), and an output controller to render the content if the comparator indicates that the content does not match any of the highly compressed content pieces in the subset (See Cooper Paragraph 0124), however, Cooper did not specifically disclose the particular action comprising contacting a remote device to perform a more thorough analysis of whether the content matches any of the plurality of highly compressed content pieces; that the highly compressed pieces of content are versions of portions of content that are created in a manner so that the highly compressed form cannot be decompressed into an intelligible form yet can be compared to uncompressed content for equality. Rather the comparisons of Cooper are between digital certificates of the content, in order to determine whether two copies of the same content are being used simultaneously, thereby detecting pirated content.

Peled teaches a system and method for detecting and preventing use of illegally copied content, wherein a content player has a database that stores a subset of signatures of known illegal copies of content, in a storage device wherein the number of pieces included in the subset can vary based on the available memory in the storage device and the storage required for each piece, and upon playing of the content, the system generates a signature for the played content, compares the signature to the database of signatures, and upon determining a match between two signatures, contacts a device to perform a more thorough analysis of whether the content matches any of the plurality of highly compressed content pieces, identifies the content as illegal and



takes appropriate action (See Peled Paragraphs 0169 and 0183-0186). Further, Peled disclosed that the signatures were hashes of the content (See Peled Paragraphs 0172-0173).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Peled in the content control system of Cooper by, in addition to the copyright registry detection of Cooper, maintaining a database of signatures of known illegally copied content at the content player, producing a signature of content to be played, and comparing the produced signature with signatures within the database in order to detect illegally copied content, and notifying the publisher of illegally copied content (pirated content) upon detecting a match in the signature database. This would have been obvious because the ordinary person skilled in the art would have been motivated to detect and prevent usage of known illegally copied content. Furthermore, it was well known in the art at the time of invention that devices could either be local or remote, and as such it would have been obvious to the ordinary person skilled in the art that the probability estimator and maximum a-posteriori estimator could be remote from the player.

**[0022]** The cited references do not teach at least the following elements of claim 1 (as amended, with emphasis added):

a source database storing a plurality of highly compressed content pieces, wherein highly compressed content pieces are versions of portions of content that are created in a manner so that the highly compressed content pieces cannot be decompressed into an intelligible form **and the highly compressed content pieces can be compared to uncompressed content for equality, the uncompressed content having undergone conversion comprising conversion between digital and analog;** and

a content player, coupled to the source database, the content player comprising:

an interface configured to receive a subset of the plurality of highly compressed content pieces from the source database;

a storage device configured to store the subset, wherein **the number of pieces included in the subset being based on the available memory in the storage device and the storage required for each piece;**

a comparator **configured to compare the subset to content and configured to determine whether the content matches any of the plurality of highly compressed content pieces in the subset;**

a resolver configured to take particular action **responsive to the comparator indicating the content matches one of the plurality of highly compressed content pieces in the subset**, the particular action comprising:

**contacting a remote device to perform a more thorough analysis of whether the content matches any of the plurality of highly compressed content pieces; and**

notifying a publisher of the media content of the existence of pirated content; and

**an output controller configured to render the content in an event that the comparator indicates the content does not match any of the highly compressed content pieces in the subset**

**[0023]** Cooper teaches comparing a digital certificate to a copyright registry system to determine if the same digital certificate is already in use. A digital certificate is not a “highly compressed content piece” as recited in the claim. Thus, Applicant respectfully disagrees that this teaches the features of the claim at least because the claim does not require a certificate, only one of which can be in use at a time as in Cooper.

**[0024]** The references cited teach the old art as discussed in the background of the Application. For example, Cooper teaches watermarking content and a content registry system. Cooper teaches a content player checking a registry to see if an identical digital certificate is being played by another. Peled teaches monitoring digital content being transferred over a network at an inspection point. Barber teaches a set number computer program licenses being in use at one time. None of the cited references either alone or in

combination fairly suggest at least the features of this claim as amended to clarify that “the uncompressed content [being compared has] undergone conversion comprising conversion between digital and analog.”

**[0025]** As shown above, the combination of Cooper and Peled does not disclose all of the claimed elements and features of these claims. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claims 9, 16, 29, 37, 40, 41, and 46

**[0026]** Each of these independent claims recites similar features as claim 1. Thus, Applicant maintains that these claims should be allowable for at least similar reasons as claim 1. Additionally, some or all of these claims may also be allowable for additional reasons.

Dependent Claims 2-8, 10-15, 20-28, 30-36, 38, 39, 42-45, 47-52, 58, and 59

**[0027]** These claims ultimately depend upon independent claims 1, 9, 16, 29, 41, and 46. As discussed above, claims 1, 9, 16, 29, 41, and 46 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

### Dependent Claims

**[0028]** In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

### Conclusion

**[0029]** All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant



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Bea Koempel-Thomas ([bea@leehayes.com](mailto:bea@leehayes.com); x259)

Registration No. 58,213

Kasey Christie ([kasey@leehayes.com](mailto:kasey@leehayes.com); x232)

Registration No. 40,559

Telephone: (509) 324-9256

Facsimile: (509) 323-8979

[www.leehayes.com](http://www.leehayes.com)